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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/966,982
Filing Date	September 27, 2001
First Named Inventor	Lori J. LEHMAN
Group Art Unit	1651
Examiner Name	D. Ware
Attorney Docket Number	311412001820

Total Number of Pages in This Submission

Attorney Docket Number 311412001820

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form - 1 pg IN DUPL

☐ Fee Attached

☒ Amendment/Reply - **RESPONSE TO OFFICE ACTION MAILED 7/30/03 - 19 pgs**

☐ After Final

☐ Affidavits/declaration(s)

☒ **Extension of Time Request - 1 pg**

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers
(for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation
Change of Correspondence Address
- ☒ **Terminal Disclaimer - 1 pg**
- ☐ Request for Refund
- ☐ CD, Number of CD(s)

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s)
(please identify below)

**1. Statement Regarding
Biological Culture Deposit Under
37 CFR §1.808 - 3 pgs**

POSTCARD

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual Name

Timothy A. Worrall (Reg. No. 54, 552)
MORRISON & FOERSTER LLP

CUSTOMER NO. 20872

Signature

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Date _____

January 28, 2004

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Date: January 28, 2004

By

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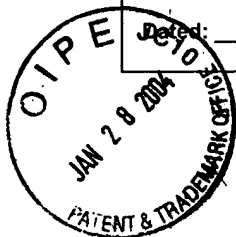
Dated:

1/28/04

Signature:

(LILIA OLSEN)

Docket No.: 311412001820
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lori J. LEHMAN, *et al.*

Application No.: 09/966,982

Group Art Unit: 1651

Filed: September 27, 2001

Examiner: D. Ware

For: NOVEL STRAIN OF *STREPTOMYCES* FOR
CONTROLLING PLANT DISEASES

STATEMENT REGARDING BIOLOGICAL CULTURE DEPOSIT

UNDER 37 CFR §1.808

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants' attorney, on behalf of Applicants, hereby declares that the strain of *Streptomyces sp.* deposited under the Budapest Treaty with the Agricultural Research Service Patent Culture Collection, Northern Regional Research Center (1815 University Street, Peoria, IL 61604 USA) and assigned Accession Number B-30145 will be irrevocably and without restriction released to the public upon issuance of a patent in the present patent application.

Application No.: 09/966,982

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Docket No.: 311412001820

Dated: January 28, 2004

Respectfully submitted,

By



Timothy A. Worrall

Registration No.: 54,552

MORRISON & FOERSTER LLP

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(415) 268-7000

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSE OF PATENT PROCEDURES

INTERNATIONAL FORM

TO
AgraQuest, Inc.
1530 Drew Avenue
Davis, CA 95616

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

NAME AND ADDRESS
OF DEPOSITOR

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

Actinomyces sp. AQ4800

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

NRRL 30145

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

☒ a scientific description

☐ a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on June 18, 1999 (date of the original deposit)¹

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I. above was received by this International Depositary Authority on _____ (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Agricultural Research Culture
Collection (NRRL)
International Depositary Authority

Address: 1815 N. University Street
Peoria, Illinois 61604 U.S.A.

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Date:

J. L. Switzer
7-20-99

¹ Where Rule 6.4(d) applies, such date is the date on which the status of international depositary authority was acquired.